

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANTHONY HARRIS,
Plaintiff,
v.
STATE OF NEVADA, et al.,
Defendants.

Case No.: 3:22-cv-00556-ART-CSD

ORDER
(ECF No. 1)

Pro se plaintiff Anthony Harris, an inmate in the custody of the Nevada Department of Corrections, has submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 3, 1-1.) Plaintiff's application to proceed *in forma pauperis* is incomplete because **Plaintiff did not include a financial certificate or an inmate trust fund account statement for the previous six-month period with the application**. The Court will deny Plaintiff's application without prejudice and give Plaintiff the opportunity to correct these deficiencies **by February 27, 2023**.

I. DISCUSSION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev.

1 Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her
2 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.
3 See 28 U.S.C. § 1915(b).

4 As explained above, Plaintiff's application to proceed *in forma pauperis* is
5 incomplete. The Court will therefore deny Plaintiff's application to proceed *in forma*
6 *pauperis* without prejudice and grant Plaintiff an extension of time to either pay the filing
7 fee or file a new fully complete application to proceed *in forma pauperis* with all three
8 required documents.

9 In his incomplete application to proceed *in forma pauperis*, Plaintiff states that he
10 believes that staff are interfering with his ability to get a financial certificate. (ECF No. 1
11 at 3.) In the event Plaintiff is having difficulty obtaining the required financial certificate
12 and inmate account statement for the previous six-month period from prison officials,
13 Plaintiff shall file a declaration detailing when he requested the documents, who he spoke
14 to about the status of the documents, who he followed up with after he did not receive the
15 documents, and their responses. Plaintiff's declaration shall include dates of his requests,
16 dates of his follow-up requests, names of the prison officials that he spoke to about the
17 matter, and their responses. If Plaintiff's declaration demonstrates that he has done all
18 that was possible to acquire the documents from prison officials, the Court will consider
19 his application to proceed *in forma pauperis* complete.

20 **II. CONCLUSION**

21 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1)
22 is denied without prejudice.

23 It is further ordered that Plaintiff has **until February 27, 2023**, to either pay the full
24 \$402 filing fee or file a new fully complete application to proceed *in forma pauperis* with
25 all three required documents: (1) a completed application with the inmate's two signatures
26 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
27 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the
28 previous six-month period.

1 It is further ordered that if Plaintiff is not able to obtain his financial certificate and
2 inmate account statement from prison officials, Plaintiff shall file the first three pages of
3 the application to proceed *in forma pauperis* together with a declaration detailing the
4 efforts he took to acquire the financial certificate and inmate account statement from
5 prison officials.

6 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
7 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
8 to refile the case with the Court, under a new case number, when Plaintiff can file a
9 complete application to proceed *in forma pauperis* or pay the required filing fee and file a
10 complaint.

11 The Clerk of the Court is directed to send Plaintiff Anthony Harris the approved
12 form application to proceed *in forma pauperis* for an inmate and instructions for the same.

13 DATED THIS 28th day of December 2022.

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16 UNITED STATES MAGISTRATE JUDGE
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